
Appeal Decision

Site visit made on 6 February 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/A2335/W/19/3241137

Land North of Ashford House, Ashton Road, Lancaster LA1 5BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr N Berry against the decision of Lancaster City Council.
 - The application Ref 19/00710/FUL, dated 4 June 2019, was refused by notice dated 12 August 2019.
 - The development proposed is the retention of a building and conversion to form two equine related holiday units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an existing building. Planning permission has previously been refused and an appeal dismissed for the retention of the building for agricultural and equine storage use¹. A subsequent enforcement notice requiring the removal of the building was upheld on appeal in October 2018². The appellant is no longer seeking to retain the building for storage use but instead to use it for holiday accommodation. Although the building is in situ, it is unlawful and I have determined the appeal on that basis.

Main Issues

3. The main issues are:
 - i) whether a building for holiday accommodation is appropriate for its rural location.
 - ii) The effect of the proposal upon the character and appearance of the countryside.

Reasons

Location

4. The building is located within the site of the Canal Bank Stables business, which comprises of around 20 stables, adjacent horse arena and surrounding paddocks. The proposal involves alterations to the building to provide two one-bedroom holiday lets with parking spaces, for customers of the stables business.

¹ Planning application ref 17/00211/FUL, appeal ref APP/A2335/W/17/3188968

² Appeal ref APP/A2335/C/18/3198470

5. Policy DM13 of the Development Management DPD (DMDPD) sets out circumstances in which proposals for self-catering accommodation will be acceptable. Criteria i) and ii) allow for such developments within existing built up areas of settlements, or on sites specifically identified for such a use in the Local Plan. However, the appeal proposal is not within one of the specified locations and does not comply with these parts of the policy. Criterion iv) permits proposals involving the conversion or re-use of suitable existing rural buildings where this is consistent with other relevant policies, in particular DMDPD Policy DM8. In this case, whilst the building is already there, it is unauthorised and subject to enforcement action. It therefore cannot be regarded as a permanent building, so policies relating to its conversion are not applicable.
6. The appellant contents that the proposal is consistent with criterion iii) of Policy DM13, which allows for facilities of an appropriate nature and scale to meet the needs of an existing visitor facility or attraction, where they are located adjacent to that facility or attraction.
7. The appeal building is within the site of the existing equine facility and the appellant's Business and Marketing Plan explains that there is a market and growing demand for equestrian facilities and associated accommodation. This includes catering for visitors from the Isle of Man, as well as University students and their parents, wishing to travel with their horses and stay overnight.
8. Whilst I do not dispute the potential demand, it appears from the evidence provided that the existing stables business is mainly used by the equine community in and around Lancaster, including local families and students. The appellant's appeal statement refers to the business providing equestrian day experiences for holiday makers. However, I have not been provided with any further evidence about this activity, which is not referred to in the Business and Marketing Plan. Furthermore, I note the Council's comments about the lack of online marketing or advertising, which would be expected if the business was catering for a wider market than a purely local one.
9. Taking these factors into account, I agree with the Council that the existing stables business cannot be described as a visitor facility or attraction. The proposal would represent a diversification of the business and would enable it to become more of a visitor facility, but this is not currently the case.
10. I note the appellant's comments that Policy DM13 should not be narrowly interpreted and that the policy recognises that businesses evolve over time. However, there is nothing in the policy or supporting text that allows for visitor accommodation to support the expansion of businesses. The supporting text in paragraph 9.7 refers to diversification, but this is in the context of agriculture, rather than any other business. The proposal may be for small scale accommodation, but it does not meet the requirement of Policy DM13 iii).
11. There is already visitor accommodation nearby, in the city centre and around the University, which could be used by users of the stables. Whilst I recognise that people may wish to stay with their horses, the appellant's final comments refer to the site already being used as a stopover for horse clubs travelling from the Isle of Man to rest their horses. No further detail has been provided about this, but if the business does already provide such a service, the

implication is that it can take place without the need for on-site accommodation.

12. I conclude that the proposed use of the building for holiday let accommodation is not appropriate to its rural location, and conflicts with the requirements of DMDPD Policy DM13 regarding visitor accommodation.
13. The Council's decision notice also refers to paragraph 170 of the National Planning Policy Framework (the Framework) but this is not applicable to this main issue.

Character and Appearance

14. The site is on the southern side of Lancaster within an area designated in the Local Plan Strike-through Edition 2008 (Local Plan) as a Key Urban Landscape (KUL). In relation to KULs, paragraph 5.6.9 of the Local Plan emphasises the importance of these larger areas of open land for the setting of the urban area. Saved Policy E31 specifies that within the KULs, development will only be permitted where it preserves the open nature of the area and the character and appearance of its surroundings.
15. The site is also within an area designated in the Local Plan as Urban Greenspace. Saved Local Plan Policy E29 protects Urban Greenspace from development, other than in exceptional circumstances which include the limited expansion of existing uses. Paragraph 5.6.4 explains that such expansion would only be permitted if it does not spoil the open character of the area.
16. The appeal site is located within an open area of undulating topography which slopes down to the Lancaster Canal then rises up again, with the River Lune valley beyond. Although there are some buildings nearby, including the short cul-de-sac of Ashford Avenue, the area is generally open in character with little built development between the access to the site on Ashton Road and the River Lune to the west.
17. The siting of the building on the side of a drumlin and close to the existing stables buildings, together with the design and colour of the building, limits its visual impact within the wider landscape. Despite this, the building is clearly visible within its setting and its position above the stables buildings and riding arena means that it appears as a prominent feature when approaching along the access track. Whilst it is not visible from the road, the building can be seen from the canal towpath at the bottom of the hill. The building detracts from the open, rural character of the area which the KUL and Urban Greenspace designations seek to protect.
18. I note the appellant's reference to the previous Inspector's findings on character and appearance, and their suggestion that, if the use of the building as a holiday let meets an identified need and is appropriate in scale, then no overriding visual impacts associated with the KUL designation would require dismissal. Notwithstanding my findings about the inappropriateness of the proposed use, the key objective of Saved Policy E31 is to retain the open character of the area. The visual impact of the development is therefore an important consideration which the previous Inspector was clearly concerned about, commenting that the building has a harmful effect on the open nature of the KUL and Urban Greenspace. I have no reason to disagree with this view, which applies equally to the current proposal.

19. I conclude that the retention of the building causes harm to the character and appearance of the countryside. It conflicts with Saved Policy E31 and DMDPD Policy DM28, both of which protect the open character of KULs. There is further conflict with Saved Policy E29, which protects Urban Greenspace, and DMDPD Policy DM25, which is concerned with protecting the integrity of the Green Infrastructure network including Green Spaces and Green Corridors. There is further conflict with paragraph 170 of the Framework which is concerned with conserving and enhancing the natural environment.

Other Matters

20. The appellant has referred to the objective of achieving sustainable development, as set out in paragraph 7 of the Framework. I acknowledge that the proposal could have a modest economic benefit through additional spending in the tourist sector which in turn could provide local employment opportunities. There are also modest social benefits through the promotion of recreational activity. However, although the proposal would be accessible to local services and facilities, the proposal does not meet the environmental objective due to its failure to protect and enhance the natural environment.

Conclusion

21. For the reasons given, I conclude that the appeal is dismissed.

R Morgan

INSPECTOR